Remarks

Claims 1-27 are pending in the application. Claims 1-27 are rejected under 35 USC § 103(a) as being unpatentable over combinations of references as detailed below. The applicants traverse the rejections of Claims 1-27 on the grounds that the prima facie case of obviousness set forth in the official action with respect to each of Claims 1-27 does not meet the requirements of MPEP § 2143. Accordingly, the applicants respectfully submit that the rejections of Claims 1-27 are improper and respectfully request that the rejections be withdrawn.

I. CLAIMS 1-3, 5-8 AND 11-27

Claims 1-3, 5-8, 11-27 are rejected under 35 USC § 103 as being unpatentable over United States patent no. 6,605,120 of Fields et al. (*Fields*) in view of United States patent no. 5,983,269 of Mattson et al (*Mattson*). The applicants respectfully traverse the rejection of Claims 1-3, 5-8 and 11-27 on the specific grounds that (a) the official action does not indicate where in the cited references may be found a teaching or suggestion that could properly be regarded as providing a motivation to combine the references; (b) the official action does not indicate where in the cited references may be found a teaching or suggestion that would provide the person of ordinary skill in the art with a reasonable expectation of success in the event such person were to make the proposed combination; and (c) the proposed combination of references does not teach or suggest all the claim limitations. The applicants therefore respectfully submit that the prima facie case of obviousness set forth in the official action does not meet the requirements set forth in MPEP § 2143.

A. No Motivation to Combine and No Expectation of Success

The rejection of Claim 1 will be used as an example of the failure of the official action to indicate where in the cited references may be found a teaching or suggestion that could properly be regarded as providing a motivation to combine the references. With reference to Claim 1, the official action states:

> A skilled artisan would have motivation to modify the communication process using a topographical map and found Mattson teaching.
>
> ***
>
> Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the configuring routing paths by assigning addresses using the topographical information to establish the most direct route between system elements as taught by Mattson into the Fields apparatus in order to utilize the topographical map. Doing so would provide a quick, direct and simple process to send a message to a network device over Internet.

The applicants have been unable to find anything in the quoted passages of the official action that indicates where the motivation set forth in the official action can be found in the cited references. Accordingly, the applicants respectfully submit that the rejection does not meet the requirements set forth in MPEP § 2143. Nor have the applicants been able to find the motivation set forth in the official action in the cited references.

The applicants note that Fields discloses a method for extracting information from web sites connected to the Internet and for displaying a reformatted version of such information on another web site (see col. 3, lines 25-35). The applicants further note that the term "topographical map" appears in Fields' disclosure at col. 13, line 55 and col. 13, line 63. However, the topographical map referred to by Fields is a topographical map *of a set of data representing a document* downloaded from a web site (col. 13, line 54-col 14, line 4).

The applicants note that Mattson discloses a network system comprising a service processor system and associated communication links. The service processor system tracks the structure of the network and provides routing tables to routers of the network via the communication links. The purpose of the service processor system and its associated communication links is to increase the efficiency with which messages are transmitted through the network system. In Mattson's network system, there is a clear demarcation of labour between the service processor system and its communication links on one hand and the network devices and their associated communication links that collective convey messages on the other. Mattson uses the word "topology" to denote the

configuration of the network system tracked by the service processor system (see, e.g., the cited passage at col. 2, lines 19-62).

The applicants have been unable to find anything in Fields' disclosure that teaches or suggests that Fields' topographical map relates to anything other than the structural description of a document (col. 13, lines 55-56). Nor have the applicants been able to find anything in Field's disclosure that teaches or suggests that Fields' topological map of a document could be used in connection with establishing the most direct route between the elements of a network system, as proposed in the official action. The applicants respectfully submit that the person of ordinary skill in the art would appreciate that Fields' topological map of a document could not be used in the manner proposed in the official action and would therefore lack any motivation to make the proposed combination.

Moreover, the applicants respectfully submit that using Fields' topographic map of a document in Mattson's network system would render Mattson's network system inoperable for its stated purpose. Fields' topographic map of a document lacks the information needed by Mattson's service processor system, i.e., information regarding the topology of the network system. Accordingly, the applicants respectfully submit that disclosures of Fields and Mattson may not properly be combined.

Finally, the applicants respectfully submit that Fields is not analogous prior art, and hence, is not a valid reference with respect to the claimed invention. Fields' disclosure relates to filtering, formatting and re-use of web-based content, i.e., the content of messages transmitted via the Internet. The invention claimed in Claim 1 is directed to providing a method of establishing a network. The applicants respectfully note that Mattson, which is analogous prior art, and Fields are in different classifications and had entirely different fields of search during prosecution. Accordingly, the applicants respectfully submit that disclosures of Fields and Mattson may not properly be combined.

The applicants have been unable to find anything in the quoted passages of the official action that indicates where in the cited references may be found a teaching or suggestion that would provide the person of ordinary skill in the art a reasonable

expectation of success were such person to attempt to make the combination proposed in the official action. Accordingly, the applicants respectfully submit that the rejection does not meet the requirements set forth in MPEP § 2143.

Nor have the applicants been able to find any teaching or suggestion in the cited references that would provide such expectation of success. As noted above, the applicants respectfully submit that the person of ordinary skill in the art would appreciate that Field's topographical map of a document could not be used to describe the topology of a network in the manner proposed in the official action. Accordingly, the applicants respectfully submit that such person would have no expectation of success in the event such person were to attempt to make the proposed combination.

Accordingly, the applicants respectfully submit that the rejection of Claim 1 is improper because the prima facie case of obviousness set forth with respect to Claim 1 does not comply with the requirements of MPEP § 2143 in that the official action does not set forth a motivation to combine and a reasonable expectation of success found in the references themselves.

The applicants note with regret that the prima facie cases of obviousness set forth in the official action with respect to claims 2-3, 5-8 and 11-27 do not comply with the requirements set forth in MPEP § 2143 in that the official action does not set forth a motivation to combine and a reasonable expectation of success found in the references themselves. The prima facie cases of obviousness set forth with respect to claims 2-3, 5-8 and 11-27 simply paraphrase the language of the claims and make no attempt to provide an indication of where a motivation to combine and a reasonable expectation of success with respect to these claims can be found in the cited references. Accordingly, the applicants respectfully submit that the rejections of claims 1-3, 5-8 and 11-27 are improper and respectfully request that the rejections be withdrawn.

B. The Proposed Combination of References Does Not Teach or Suggest All the Claim Limitations

The applicants further submit that the prima facie cases of obviousness set forth

in the official action with respect to claims 1-3, 5-8 and 11-27 do not comply with the requirements set forth in MPEP § 2143 for the additional reason that the proposed combination of references does not teach or suggest all the claim limitations.

The rejection set forth in official action with respect to each claim typically quotes or paraphrases all or part of the claim language and then cites one or more passages of the proposed combination of references. However, the cited passages of the proposed combination of references rarely, if ever, literally disclose the claim language. The official action does not provide any indication of the reasoning behind to the assertion set forth in the official action that the cited passages teach or suggest the particular claim element. Nor is there any indication of any correspondence between a particular element disclosed in the cited passages (which typically disclose several elements) and an element of the claim language. This makes it difficult for the applicants to provide a constructive response to such rejections. On occasions, the applicants have had to resort to simply gainsaying the assertions set forth in the official action.

Claim 1

Claim 1 recites in part: "A method for establishing a network for communicating a message." The official action alleges that this element of Claim 1 is disclosed in the abstract of Fields' disclosure, citing the Internet and the Abstract. The applicants respectfully disagree. Fields discloses using the Internet to communicate messages, but acknowledges that the Internet already exists (col. 1, lines 12-30). Accordingly, the applicants respectfully submit that, since Fields teaches that the Internet is already established, Fields cannot accurately be said to teach or suggest "A method for *establishing* a network for communicating a message." as recited in Claim 1 (emphasis added).

Claim 1 recites in part: "providing a network including topographic network devices and communication links interconnecting the topographic network devices, the topographic network devices each having a physical location represented by a topographic coordinate set." The official action alleges that Fields discloses this element

Claim 1 at col. 13, line 63-col. 14, line 5. The cited passage of Fields' disclosure states:

> In narrative form, the topographical map would read something like this: The document at URL X starts with static component A followed by a dynamic component B that ends at a static component C. This is followed by a further dynamic component D that ends at static component E. The description continues to the end of the document. One skilled in the art would recognize that there are a number of ways in which this data could be organized. One preferred data structure is given below.

The applicants do not understand how the topographical map of the data representing a document downloaded via the Internet disclosed in above-quoted passage of Fields' disclosure can be regarded as disclosing "providing a network including topographic network devices and communication links interconnecting the topographic network devices, the topographic network devices each having a physical location represented by a topographic coordinate set," as recited in Claim 1. The applicants note that the word "topographical" appears in the quoted passage of Field's disclosure and the word "topographic" appears in the quoted passage of Claim 1, but respectfully submit that there is no other similarity between the passages. The topographical map referred to in Field's disclosure relates to a topographical map of a document downloaded via the Internet. The applicants have been unable to find anything in the cited passage of Fields' disclosure that teaches or suggests "topographic network devices each having a physical location represented by a topographic coordinate set." This is clear from the quoted passage of Fields' disclosure and a careful reading the entire description of Field's Figure 8 (incorrectly called Figure 9 at col. 13, line 4) at col. 13, line 3-col. 17, line 26.

Therefore, the applicants respectfully submit that the proposed combination of references does not teach or suggest "providing a network including topographic network devices and communication links interconnecting the topographic network devices, the topographic network devices each having a physical location represented by a topographic coordinate set." as recited in Claim 1.

The official action admits that Field does not teach the "assigning", "transmitting" and "receiving and storing" elements of Claim 1 and looks to the abstract, col. 2, lines 20-62, col. 10, lines 46-63 and col. 14, lines 24-40 of Mattson for a teaching of the missing elements. The applicants note with regret that, as stated above, the official action

does not specifically indicate an alleged correspondence between the elements of Claim 1 not disclosed by Fields and the elements disclosed in the quoted passages of Mattson's disclosure.

Mattson discloses a network system that attempts to solve the efficient routing problem by adding a service processor system 30 (also called a maintenance processor system) and its associated communication links 36' to a conventional network composed of network devices 12, 20 and respective communication links 22. The service processor system keeps track of the topology of the network devices and their communication links and uses the topology to determine routes for sending messages through the network devices and their communication links. However, the applicants have been unable to find anything in Mattson's disclosure that teaches or suggest that the topology is anything more than network device type information and information indicating how the communication links 22 interconnect the network devices 12, 20 (col. 9, line 60-col.10, line 40).

Mattson states that the topology information gathered by the service processor system enables his network system to transmit messages between a source and destination by the most direct network path (Abstract). However, the applicants have been unable to find anything that teaches or suggests that Mattson's topology includes information relating to the *physical locations* of the network devices. Thus, since Mattson's service processor system 30 tracks the interconnections among the network devices and does not track physical locations of the network devices, messages routed through Mattson's network system pass through a minimum number of nodes, but do not necessarily travel via the shortest physical path.

Moreover, the use of a service processor system and separate communication links to track the topology of the network is expensive, since additional communication links are needed, and is also inconvenient when new network devices are added to the network. The addition of new network devices requires that the service processor system be re-programmed to develop new routes and new routing tables and transmit the new routing tables to the devices connected thereto (col. 14, lines 41-60).

Claim 1 recites in part: "assigning to the one of the topographic network devices a network address that includes the topographic coordinate set thereof." The applicants note that Mattson teaches assigning a network address to each network device based on the topographical interconnections forming the network system (abstract). However, as noted above, the applicants have been unable to find anything in Mattson's disclosure that teaches or suggests that a topographic coordinate set is assigned to each network device. Consequently, it cannot accurately be said that the network addresses assigned to each of Mattson's network devices "includes the topographic coordinate set [of the network device]." Accordingly, the applicants respectfully submit that Mattson neither teaches nor suggests "assigning to the one of the topographic network devices a network address that includes the topographic coordinate set thereof," as recited in Claim 1.

Claim 1 recites in part: "transmitting the topographic coordinate set of the one of the topographic network devices to the topographic network devices directly connected thereto." The applicants respectfully note that Mattson discloses that the network devices transmit information relating to the network device to service processor system 32 via a dedicated communication link 36' (col. 6, line 67-col. 7, line 11). The applicants respectfully submit that Mattson's teaching of transmitting information to service processor 32 cannot accurately be said to teach or suggest "*transmitting the topographic coordinate set of the one of the topographic network devices* to the *topographic network devices* directly connected thereto." As noted above, the applicants have been unable to find anything in Mattson's disclosure that teaches or suggests that a topographic coordinate set is assigned to each network device in Mattson's network system. Accordingly, the applicants respectfully submit that Mattson's teaching of a network device transmitting connection information to the service processor system connected to the network device cannot accurately be said to teach transmitting a topographic coordinate set since no topographic coordinate sets are assigned to the network devices of Mattson's network and therefore cannot be transmitted.

Moreover, although Mattson teaches that a network device transmits the above-described connection information to the service processor system. The applicants

respectfully submit that the service processor system is a different type of device from the network devices. The applicants have been unable to find anything in Mattson's disclosure of the network devices transmitting connection information to other network devices that are peers of the network device and that are directly connected to it. Therefore, the applicants respectfully submit that Mattson's disclosure cannot accurately be said to teach "*transmitting* the topographic coordinate set of the one of the topographic network devices *to the topographic network devices directly connected thereto*," as recited in Claim 1.

Finally, Claim 1 recites: "receiving and storing the topographic coordinate set at at least one of the topographic network devices directly connected thereto." The applicants note that Mattson teaches that the service processor system receives and stores topology information describing the connections to each network device. However, for reasons similar to those stated above, the applicants respectfully submit that Mattson cannot accurately be said to teach "*receiving and storing the topographic coordinate set* at at least one of the topographic network devices directly connected thereto" since no topographic coordinate set is assigned and no topographic coordinate set is transmitted. Moreover, the applicants respectfully submit that, since Mattson teaches that the topology information is received and stored at the service processor system, which is a specialized network device different from the network devices that transmit messages through the network, Mattson cannot accurately be said to teach or suggest "*receiving and storing* the topographic coordinate set *at at least one of the topographic network devices directly connected thereto*."

Accordingly, since the proposed combination of references neither teaches nor suggests any of the elements recited in Claim 1, the applicants respectfully submit that the prima facie case of obviousness set forth in the official action with reference to Claim 1 does not meet the requirements of MPEP § 2143, and the rejection of Claim 1 is improper. The applicants therefore respectfully request that the rejection be withdrawn.

Claims 2, 3 and 5-8

The applicants respectfully submit that, since the proposed combination of references does not teach or suggest all the claim limitations of Claim 1, it cannot teach or suggest all the claim limitations of Claims 2, 3 and 5-8 that depend on Claim 1.

Claim 2

The cited passage of Fields' disclosure at col. 13, line 63-col. 14, line 25, describes an example of a topographical map of a document, describes an example of the data structure of such topographical map and states that the topographical map of the document is sent to a user interface builder 803. The applicants therefore note that the cited passage can be said to teach transmitting a topographical map of a document to such user interface builder. That said, the applicants have been unable to find the cited passage of the transmission of a topographic coordinate set that represents the physical location of a network device to network devices connected to it. Even if the important differences between Fields' topographic map of a document and the topographic coordinate set recited in the applicants' claims are ignored, the applicants have been unable to find anything in Fields' disclosure that teaches or suggests that the parsing engine 801 that generates the topographic map of the document and the user interface builder 803 are located in different network devices. Even if this were the case, the applicants been unable to find anything in the cited passage of Fields' disclosure that teaches or suggests that the parsing engine 801 transmits such topological map in response to receiving same. Fields teaches that the topological map is built by the parsing engine (col. 13, 54-55).

Claim 3

The cited passage of Fields' disclosure at col. 20, line 66-col. 21, line 4 discloses a stand-alone server software product. The stand-alone server software product performs the filtering, formatting and reuse processing described at col. 13, line 63-col. 14, line 4, of Fields' disclosure. As a result, web pages provided by such stand-alone server software product differ from corresponding web pages received by the stand-alone server software

product. Since the stand-alone server software product modifies the content of "messages," i.e., web pages, it receives, and does not simply forward such messages to another network device without modifying their content, the applicants respectfully submit that the stand-alone server software product does not correspond to the intermediate network device recited in Claim 3.

Moreover, the official action does not indicate where in the proposed combination of references can be found a teaching or suggestion that Fields' topographical map of a document can be included in a message and can be used to determine the routing of the message through the network. The applicants have been unable to find such teaching or suggestion, and respectfully submit that this is because no such teaching or suggestion exists.

Claim 5

The applicants respectfully point out that Fields' topographic maps describe documents downloaded from a web site: a topographic map of a document cannot be used as a map to determine a topographic coordinate set that specifies the physical location of a network device. Moreover, Fields' topographic maps are built internally and cannot therefore be subject to "inputting."

Claim 6

The passage of Fields' disclosure at col. 13, lines 33-53, describes the process by which the parsing engine 801 or its filter agent retrieves documents and processes them to identify dynamic and static portions. The applicants have been unable to find anything in the cited passage that teaches or suggests that the retrieval and processing described in the cited passage is applied to the topographical maps derived from the web pages. Nor is there any mention of a packet in the cited passage.

Moreover, the applicants have been unable to find anything in the cited passage of Fields' disclosure at col. 14, lines 5-25, that teaches or suggests that the topographical map of a document is transmitted to the user interface builder 803 through a network. The

applicants have been unable to find anything that teaches or suggests that user interface builder 803 is not part of the same apparatus as parsing engine 801 (note that Fields describes Figure 8 as a process diagram).

Claim 7

The applicants have been unable to find anything in Fields' disclosure that teaches or suggests that Fields' topographic map is received at user interface builder 803 as part of a packet, that such topographical map is extracted from a packet in the user interface builder, or that such packet passes through user interface builder 803. Figure 8 shows no path extending on opposite sides of user interface builder 803. Such a path would be needed for something to pass through the user interface builder. The reference at col. 16, lines 20-30, of Fields' disclosure to extraction relates to extraction of components from passed-through documents, not to extraction of topographic coordinate set from a packet. Moreover, the extracted components appear to be discarded after extraction: the applicants have been unable to find anything in the cited passage that teaches or suggests that the extracted components are stored, as alleged in the official action.

Claim 8

Each network device of Mattson's network transmits the device type information referred to at col. 8, lines 44-50, of Mattson's disclosure exclusively to the service processor system. The applicants have been unable to find anything in Mattson's disclosure that teaches or suggests that the network device transmits such device type information or additional topographic information to other, similar ones of the network devices connected directly to it.

Claim 11

The applicants traverse the rejection of Claim 11 on the grounds that the proposed combination of references does not teach or suggest the following limitations of Claim 11: a topographic coordinate set that represents the physical location of a network device,

an intermediate network device; a network address including the topographic coordinate set; and ones of the network devices having the topographic coordinate sets of those of the network devices directly connected to them stored therein. Reasons for the applicants' assertion are set forth above.

The passage at col. 6, lines 10-30, of Fields' disclosure cited for the first time in the rejection of Claim 11 describes caching pass-through web content. The applicants have been unable to find anything in the cited passage that teaches or suggests a network device storing the topographic coordinate sets of other network devices as the official action appears to allege.

The passage at col. 18, lines 17-30, of Fields' disclosure describes how web content is recast. The passage at col. 22, lines 17-24, simply introduces an Appendix that provides an example of the recasting process just referred to. The applicants have been unable to find anything in either passage of Fields' disclosure that teaches or suggests "inserting the topographic coordinate set of the destination network device into the message as a destination coordinate set" as alleged in the official action. There is no mention of Fields' topographic map in either cited passage.

The applicants do not dispute that Matson describes transmitting a message through a network at col. 5, line 42-col. 6, line 19. The applicants note with regret that the official action does not indicate precisely how the transmission process disclosed by Mattson is supposed to be modified in accordance with the teaching of Fields. The cited passages of Fields' disclosure relate to web-page caching and do not deal with the mechanics of message addressing and the responses of network devices to messages addresses. The relevance of Fields' disclosure is therefore unclear to the applicants. The applicants respectfully submit that, even if Mattson's transmission method could properly be modified in accordance with the teaching of Fields, such modified transmission method would not teach or suggest every element of the past paragraph of Claim 11 because there is no teaching or suggestion in the proposed combination of reference with respect to a topographic coordinate set that represent the physical location of a network device, as discussed above.

Accordingly, since the proposed combination of references teaches or suggests none of the elements recited in Claim 11, the applicants respectfully submit that the prima facie case of obviousness set forth in the official action with reference to Claim 11 does not meet the requirements of MPEP § 2143, and the rejection of Claim 11 is improper. The applicants therefore respectfully request that the rejection be withdrawn.

Claims 12-19

The applicants respectfully submit that, since the proposed combination of references does not teach or suggest all the claim limitations of Claim 11, it cannot accurately be said to teach or suggest all the claim limitations of Claims 12-19 that depend on Claim 11.

The official action sets forth detailed rejections of each of Claims 12-19. Each rejection appears to be based on the same misreading of the proposed combination of references referred to above with reference to Claim 11. The rejections will be discussed briefly next.

Claim 12

The applicants respectfully disagree with the inherency argument set forth in the official action. As stated in the background section of the application, and conspicuously absent from Mattson's disclosure, physical proximity of the network devices through which a message passes is typically not a factor in conventional message routing decisions.

Claim 13

The official action does not indicate where in the proposed combination of references may be found a teaching or suggestion of the subject matter recited in Claim 13. The applicants respectfully submit that this is because no such teaching or suggestion exists in the proposed combination of references.

Claim 14

The applicants note that Mattson discloses transmitting device type information at col. 8, lines 44-50. However, each network device of Mattson's network transmits the device type information exclusively to the service processor system via dedicated communication links. The network device does not transmit such device type information or additional topographic information to others of the network devices connected directly to it as alleged in the official action.

Moreover, the official action does not identify where in the proposed combination of references can be found a teaching or suggestion of device type information being used at one of the network devices to identify the one of the topographic network devices to which the message is to be forwarded. The applicants respectfully submit that this is because no such teaching or suggestion exists in the proposed combination of references.

Claim 15

The official action does not indicate where in the proposed combination of references a teaching or suggestion of the elements of Claim 15 may be found. The applicants respectfully submit that this is because no such teaching or suggestion exists in the proposed combination of references.

Claim 16

As noted above, the applicants respectfully submit that the stand-alone server software product disclosed by Fields at col. 20, line 67, does not correspond to the intermediate network device recited in the applicants' claims. Moreover, the official action does not indicate where in the proposed combination of references a teaching or suggestion of the alternative routing claimed in Claim 16 may be found. The applicants respectfully submit that this is because no such teaching or suggestion exists in the proposed combination of references.

Claim 17

The official action does not indicate where in the proposed combination of references a teaching or suggestion of the "generating" and "inserting" elements of Claim 17 may be found. The applicants respectfully submit that this is because no such teaching or suggestion exists in the proposed combination of references.

The official action appears to indicate that the inserting and providing elements of Claim 17 are disclosed at col. 13, line 63-col. 14, line 20 of Fields' disclosure. The applicants acknowledge that Fields can be said to disclose receiving a message. However, the applicants have been unable to find anything in the cited passage or elsewhere in Fields' disclosure that teaches or suggests that such message is received at an intermediate network device. As noted above, the applicants respectfully disagree with the assertions set forth in the official action that Fields' stand-alone server software product constitutes an intermediate network device in the sense that the term is used in the application.

The cited passage of Fields disclosure simply discloses a structure of a topographical or textographical map of a document. The applicants have been unable to find anything in the cited passage that teaches or suggest the subject matter of the "providing" element of Claim 17. The applicants respectfully submit that the proposed combination of references does not teach or suggest this element.

Claim 18

The applicants acknowledge that the term "domain name" appears in the cited passage of Fields' disclosure at col. 15, lines 15-30. However, the applicants have been unable to find anything in the cited passage that teaches or suggests that the domain name is part of a destination network address included in a message (see Claim 17 on which Claim 18 depends). Accordingly, the applicants respectfully submit that the proposed combination of references neither teaches nor suggests the destination network address element of Claim 18.

The cited portion of Fields' disclosure at col. 13, line 63-col. 14, line 5 simply

describes an example of the structure of a topographical map of a document. The cited portion of Fields' disclosure at col. 6, lines 10-30, describes caching pass-through web content. The applicants have been unable to find anything in either of the cited passages that teaches or suggests the "providing" element of Claim 18.

Claim 19

The official action does not indicate where in the proposed combination of references a teaching or suggestion of the "network includes regions" element of Claim 19 may be found. The applicants note that Mattson discloses what might be regarded as regions, but have been unable to find any teaching in Mattson of network devices in such regions being interconnected by high-speed ones of the communication links. An electronic search of the copy of Mattson's disclosure on the USPTO web site failed to find either of the words *high* and *speed* or the word *fast*. The applicants therefore respectfully submit that the proposed combination of references neither teaches nor suggests this element of Claim 19.

The official action alleges that the "determining" and "routing" elements of Claim 19 are disclosed by Mattson at col. 4, lines 42-67. This passage of Mattson's disclosure provides an overview of Mattson's network. The applicants have been unable to find the specific operational details claimed in the "determining" and "routing" elements of Claim 19 in the cited passage of Mattson's disclosure.

Claim 20

The applicants traverse the rejection of Claim 20 on the grounds that the proposed combination of references does not teach or suggest any of the limitations of Claim 20.

Claim 20 recites in part: "providing a network including end-user devices, topographic routers and communication links interconnecting them, at least the topographic routers each having a physical location represented by a topographic coordinate set, and a network address that includes the topographic coordinate set, the end-user devices including a source network device and a destination network device."

The passage of Mattson's disclosure at col. 10, lines 46-64, describes the operation of the service processor system 30 to construct a topologic description of the interconnection of the network devices of network system 10. First, the applicants have been unable to find anything in the cited passage that teaches or suggests that service processor system 30 operates as a router with respect to messages passing through network system 10. Second, the applicants been unable to find anything that teaches or suggests that any of the elements of Mattson's network system has a physical location represented by a topographic coordinate set. The topographic description of Mattson's network is limited to a description of the interconnections among the various network devices that form part of the network system. Such topographic description does not describe the *physical locations* of the network devices. Accordingly, the applicants respectfully submit that Mattson cannot accurately be said to disclose "at least the topographic routers each having a physical location represented by a topographic coordinate set, and a network address that includes the topographic coordinate set," as recited in Claim 20.

Claim 20 recites in part: "transmitting a message from the source network device to an input router, the input router being the one of the topographic routers directly connected to the source network device, the message identifying the destination network device by a destination network address lacking a topographic coordinate set." The cited passage of Mattson's disclosure describes transmitting a message to a router. The cited passage of Fields' disclosure at col. 20, line 66-col. 21, line 4, describes Fields stand-alone server software product. As noted above, the applicants respectfully submit that Fields stand-alone server software product does not constitute an intermediate network device. The cited passage of Fields' disclosure at col.6, lines 10-30, describes caching pass-through web content and is also discussed above. Since neither of the cited passages of Fields' disclosure relates to how the destination network device of a message is identified, the applicants have been unable to find anything in the cited passages of Fields' disclosure that teaches or suggests "the message identifying the destination network device by a destination network address lacking a topographic coordinate set," as recited in Claim 20.

Claim 20 recites in part: "in response to the destination network address, providing the topographic coordinate set of a one of the topographic routers associated with the destination network device as a destination coordinate set." The passage of Mattson's disclosure at col. 10, lines 46-64, is described above. Specifically, at col. 10, lines 58-63, Mattson describes that his service processor system 30 supplies a routing table to each router of the network 10. The applicants respectfully submit that the cited passage of Mattson's disclosure cannot properly be regarded as teaching or suggesting the subject matter of this element of Claim 20, i.e., the processing performed by a topographic router in response to receiving a message having a destination network address that lacks a topographic coordinate set.

Claim 20 recites in part: "inserting the destination coordinate set into the message." The cited passage of Fields' disclosure at col. 18, lines 17-30, describes how web content is recast. The cited passage of Fields' disclosure at col. 22, lines 17-24, simply introduces an Appendix that provides an example of the recasting process just referred to. The applicants have been unable to find anything in either passage of Fields' disclosure that teaches or suggests "inserting the destination coordinate set into the message." The recasting process described in the cited passages of Fields' disclosure modifies the content of a web page to which it is applied. It has nothing to do with the addressing of a message.

Finally, Claim 20 recites in part: "in response to the destination coordinate set, topographically routing the message through the network to an output router, the output router being the one of the topographic routers directly connected to the destination network device." The cited passage of Fields' disclosure at col. 20, line 66-col. 21, line 4, describes a stand-alone server software product, and is discussed above. The cited passage of Fields' disclosure at col. 6, lines 10-30, describes caching pass-through web content and is also discussed above. The applicants have been unable to find anything in either passage of Fields disclosure that teaches or suggests that Fields' stand-alone server software product is a router or has characteristics that resemble those of a router. Nor have the applicants been able to find anything in the either passage of Fields' disclosure

that teaches or suggests that Fields' stand-alone server software product is directly connected to a destination user device. Indeed, the described properties of the stand-alone server software product strongly suggest that such stand-alone server software product differs significantly from a router in that messages transmitted by the stand-alone server software product differ from those received.

Accordingly, since the proposed combination of references teaches or suggests none of the claim elements of Claim 20, the applicants respectfully submit that the prima facie case of obviousness set forth in the official action with reference to Claim 20 does not meet the requirements of MPEP § 2143, and the rejection of Claim 20 is improper. The applicants therefore respectfully request that the rejection be withdrawn.

Claims 21-27

The applicants respectfully submit that, since the proposed combination of references does not teach or suggest all the claim limitations of Claim 20, it cannot accurately be said to teach or suggest all the claim limitations of Claims 21-27 that depend on Claim 20.

The official action sets forth detailed rejections of each of Claims 21-27. Each rejection appears to be based on the same inaccurate reading of the proposed combination of references referred to above with reference to Claim 20. The rejections will be discussed briefly next.

Claim 21

The cited passage of Mattson's disclosure at col. 10, lines 46-64 describes the operation of the service processor system 30 to construct a topographical description of the network system 10. First, the applicants have been unable to find anything in the cited passage that teaches or suggests that service processor system operates as a router. Second, the applicants been unable to find anything that teaches or suggests that any of the network devices of Mattson's network has a physical location represented by a topographic coordinate set. The topographic description of Mattson's network system is

limited to a description of the interconnections among the various network devices that form part of the network. Such topographic description does not describe the *physical locations* of the network devices. Accordingly, the applicants respectfully submit that Mattson cannot accurately be said to disclose "the topographic coordinate set of the output router is provided [as the topographic coordinate set of a one of the topographic routers associated with the destination network device as a destination coordinate set]" (see Claim 20), as recited in Claim 21.

Claim 22

The applicants acknowledge that the term "domain name" appears in the cited passage of Fields' disclosure at col. 15, lines 15-30. The cited passage describes a process by which web pages are filtered. Accordingly, the applicants have been unable to find anything in the cited passage that teaches or suggests that the domain name is part of a destination network address included in a message (see Claim 20 on which Claim 22 depends). Accordingly, the applicants respectfully submit that the proposed combination of references neither teaches nor suggests the "destination network address" element of Claim 22.

The official action does not indicate where in the proposed combination of references may be found a teaching or suggestion of the "providing the topographic coordinate set" element of Claim 22. The applicants respectfully submit that this is because no such teaching or suggestion exists in the proposed combination of references.

The passage of Mattson's disclosure at col. 10, lines 46-64, alleged in the official action to disclose the "topographically routing" and "providing the topographic coordinate set of the output router" elements of Claim 22 describes the operation of the service processor system to construct a topographical description of the network system 10. First, the applicants have been unable to find anything in the cited passage that teaches or suggests that service processor system routes messages in the network system. The service processor system supervises the operation of the network system 10, and does not itself take part in transmitting messages through the network.

Second, the applicants have been unable to find anything in the cited passage that teaches or suggests that service processor system acts as a domain router with respect to messages transmitted through the network. As just noted, the service processor system does not operate as a router.

Third, the applicants been unable to find anything that teaches or suggests that any of the network devices of Mattson's network provides the topographic coordinate set of an output router, such topographic coordinate set representing the physical location of the output router (see Claim 20 on which Claim 22 depends). The topologic description of Mattson's network system is limited to a description of the interconnections among the various network devices that form part of the network system. Such topographic description does not describe the *physical locations* of the network devices. Accordingly, the applicants respectfully submit that Mattson cannot accurately be said to disclose the "topographically routing" and "providing the topographic coordinate set of the output router" elements of Claim 22.

The cited passage of Fields' disclosure at col. 18, lines 17-30, describes how web content is recast. The cited passage of Fields' disclosure at col. 22, lines 17-24, simply introduces an Appendix that provides an example of the recasting process just referred to. The applicants have been unable to find anything in either passage of Fields' disclosure that teaches or suggests "inserting the new destination coordinate set into the message," and "topographically routing the message through the network to the output router," as alleged in the official action. The recasting process described in the cited passages of Fields' disclosure modifies the content of a web page to which it is applied and has nothing to do with the addressing or the transmission of a message.

Claim 23

The official action does not indicate where in the proposed combination of references may be found a teaching or suggestion of the subject matter recited in Claim 23. The applicants respectfully submit that this is because no such teaching or suggestion exists in the proposed combination of references.

Claim 24

The cited passages of Fields' disclosure at col. 18, lines 17-30 and at col. 22, lines 17-24, are described above. The applicants have been unable to find anything in either passage of Fields' disclosure that teaches or suggests "inserting the topographic coordinate set of the input router into the message as a reply-to coordinate set," as alleged in the official action. The recasting process described in the cited passages of Fields' disclosure modifies the content of a web page to which it is applied and has nothing to do with the addressing of a message.

Claim 25

The cited passage of Mattson's disclosure at col. 5, lines 58-67, describes the transmission of a message from router to router or from processor to router. The applicants have been unable to find any indication in the cited passage that any of the network devices is specifically identified as a destination network device.

The cited passage of Fields' disclosure at col. 29, lines 8-12, claims elements that select a representative web page, include link data in a filter, and use the link data so that when the web page is retrieved, the filter is used to extract selected content from the web page. The applicants have been unable to find anything in the cited passage of Fields' disclosure that teaches or suggests a return message that includes a destination network address that lacks a topographic coordinate set and a reply-to coordinate set of the original message, as alleged in the official action.

Claim 26

The cited passages of Fields' disclosure at col. 18, lines 17-30, and at col. 22, lines 17-24, are described above. The applicants have been unable to find anything in either passage of Fields' disclosure that teaches or suggests "detecting whether the message additionally includes a destination coordinate set," and "when a destination coordinate set is detected, omitting providing the destination coordinate set and inserting the destination

coordinate set," as alleged in the official action. The recasting process described in the cited passages of Fields' disclosure modifies the content of a web page to which it is applied. It has nothing to do with the addressing or the transmission of a message.

Claim 27

The passage of Mattson's disclosure at col. 10, lines 46-64, is described above. First, the applicants have been unable to find anything in the cited passage that teaches or suggests that service processor system operates as a router. Second, the applicants been unable to find anything that teaches or suggests that any of the network devices of Mattson's network system is assigned a topographic coordinate set that represents the physical location of the network device. The topographic description of Mattson's network system is limited to a description of the interconnections among the various network devices that form part of the network system. Such topographic description does not describe the *physical locations* of the network devices. Third, the applicants have been unable to find anything in the cited passage that teaches or suggests detecting equality between a destination coordinate set of a message and a topographic coordinate set of a network device. This is to be expected, since the network devices have no topographic coordinate sets assigned to them. Accordingly, the applicants respectfully submit that Mattson cannot accurately be said to disclose the subject matter recited in Claim 27.

II. CLAIMS 4, 9 AND 10

Claims 4, 9 and 10 are rejected under 35 USC § 103 as being unpatentable over Fields in view of Mattson and further in view of United States patent no. 5,978,804 of Dietzman. The applicants respectfully traverse the rejection of claims 4, 9 and 10 on the specific grounds that (a) the official action does not indicate where in the cited references may be found a teaching or suggestion that could properly be regarded as providing a motivation to combine the references; (b) the official action does not indicate where in the cited references may be found a teaching or suggestion that would provide the person

of ordinary skill in the art with a reasonable expectation of success in the event such person were to attempt such combination; and (c) the proposed combination of references does not teach or suggest all the claim limitations. The applicants therefore respectfully submit that the prima facie case of obviousness set forth in the official action does not meet the requirements set forth in MPEP § 2143.

A. No Motivation to Combine and No Reasonable Expectation of Success

The official action admits that the proposed combination of Fields and Mattson does not disclose "the Internet with XML included the wireless network" and asserts "As killed [sic] artisan would have motivation to improved the Fields-Mattson teaching into the wireless environment and found Dietzman teaching." The applicants respectfully submit that the rationale set forth in the official action for combining Dietzman's disclosure with those of Fields and Mattson does not comply with the requirements of MPEP § 2143. Moreover, the Federal Circuit has specifically condemned conclusory statements similar to that set forth in the official action. "The [examiner] cannot rely on conclusory statements when dealing with particular combinations of prior art and specific claims, but must set forth the rationale on which it relies." *In re Sang-Su Lee*, 277 F.3d 1338, 61 USPQ2d 1430 (Fed Cir. 2002).

The official action additionally states:

> Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the topographic map using on GPS environment via Internet as taught by Dietzman into the Fields-Mattson's apparatus in order to utilize the XML applications. Doing so would provide a dynamic configuration to a GPS network devices over Internet.

The official action does not indicate why the Examiner believes it is necessary to "incorporate the topographic map using on GPS environment via Internet as taught by Dietzman into the Fields-Mattson's apparatus in order to utilize the XML applications." As Fields states at col. 12, lines 31-37, XML is simply another markup language used to format web pages. The applicants respectfully submit that, in view of Fields' teaching that his invention can be used with HTML, XML and other mark-up languages, the person of ordinary skill in the art would not be motivated to look beyond Fields'

disclosure in the event such person wanted to "utilize XML applications." Accordingly, the motivation set forth in the official action is not a genuine one.

Moreover, the official action does not indicate where the alleged motivation may be found in the cited references. Nor does the official action indicate where a reasonable expectation of success may be found in the cited references.

Additionally, the applicants respectfully submit that the proposed combination of Fields and Mattson is improper for the reasons set forth above with reference to Claim 1.

Accordingly, the applicants respectfully submit that the rejection of Claims 4, 9 and 10 is improper because the proposed combination of references is improper.

B. The Proposed Combination of References Does Not Teach or Suggest All the Claim Limitations

Dietzman discloses a "a computer-implemented system for managing a configuration of natural products inventory, and, more particularly, to an integrated computer database system for the processing of information on natural product chemistry, biological activity, and biodiversity to enable the creation of custom taxonomic schemes, photographic and scanned laboratory print-out image handling, and interfacing with remote databases, including a geographical information system and global positioning system." (col. 1, lines 8-17). In other words, Dietzman discloses a data base system for natural products.

Claim 4

The passage of Mattson's disclosure at col. 2 lines 20-62, provides an overview of the proposed network system and the passage of Mattson's disclosure at col. 10, lines 46-63, describes the operation of the service processor 32 to construct a topographical description of the network 10. The applicants note that the latter passage discloses that the service processor 32 assigns a network address to each network device. However, Claim 1 on which Claim 4 depends recites "assigning to the one of the topographic network devices a network address that includes the topographic coordinate set thereof."

The applicants have been unable to find anything in the cited passages of Mattson's disclosure that teaches or suggests that the network address that the service processor assigns to each network device "includes the topographic coordinate set [of the network device."

The passages of Dietzman's disclosure cited in the official action describe use of the Internet to disseminate information gathered by the database system (col. 5, lines 27-35), compatibility of the database system with GPS technology (col. 7, lines 26-36), an overview of the GPS system (col. 15, lines 27-61) and options for displaying the GIS program application (col. 32, lines 1-10). The official action does not specifically indicate which of the cited passages teaches or suggests the subject matter recited in Claim 4. The applicants have been unable to find such teaching or suggestion other than the mention of a GPS receiver in the overview of the GPS system at col. 15, line 42. Specifically, notwithstanding the mention of the GPS receiver at col. 15, line 42, the applicants have been unable to find anything in Dietzman's disclosure that teaches or suggests co-locating a GPS receiver with anything, let alone a topographic network device. Nor have the applicants been able to find anything in Dietzman's disclosure that teaches or suggests determining the topographic coordinate set of such topographic network device using such GPS receiver. Accordingly, the applicants respectfully submit that the proposed combination of references does not disclose all the claim limitations of Claim 4.

Claim 9

The applicants acknowledge that the term "domain name" appears in the cited passage of Fields' disclosure at col. 15, lines 15-30. The cited passage describes a process by which web pages are filtered. However, the term "domain name" does not appear in the "dividing" element of Claim 9. Moroever, the applicants have been unable to find anything in the cited passage that teaches or suggests "dividing the network into regions," as recited in this element of Claim 9.

The applicants acknowledge that the word "satellite" appears in the cited passage of Dietzman's disclosure at col. 15, lines 29-61. However, the satellites referred to in the

cited passage are GPS satellites, not to a communication satellite. Morevover, the applicants have been unable to find anything in this passage of Dietzman's disclosure that teaches or suggests that GPS satellites are capable of interconnecting regions of a network and provide a high-capacity communication link between such regions. The applicants respectfully submit that the cited passage of Dietzman's disclosure neither teaches nor suggests the "interconnecting" element of Claim 9.

The applicants have been unable to find a reference to "FDDI" in Dietzman's disclosure—an electronic search of the version of Dietzman's disclosure posted on the USPTO web site failed to find this term. The passage of Dietzman's disclosure at col. 26, lines 44-51, refers to a T3 connection, which has a relatively high capacity. However, the applicants have been unable to find anything in the cited passage that teaches or suggests that the T3 connection interconnects regions of a network. Dietzman's disclosure of a T3 connection appears to be in the context of a client-server application (see col. 25, line 43-col. 26, line 51).

The applicants respectfully submit that neither of the cited passages of Dietzman's disclosure teaches or suggests the "interconnecting" element of Claim 9.

The applicants acknowledge that the word "regions" appears in the cited passage of Dietzman's disclosure at col. 25, lines 47-60. However, the "clickable regions" referred to in the cited passage of Dietzman's disclosure are regions of the display of a web client. The applicants have been unable to find anything in the cited passage that teaches or suggests "supplying to ones of the topographic network devices in each one of the regions additional topographic information indicating the topographic coordinate set of the regional network device [indicating the physical position thereof] of the one of the regions and a topographic extent of at least some of the regions."

Accordingly, the applicants respectfully submit that the rejection of Claim 9 is improper for the additional reason that the proposed combination of references does not teach or suggest all the claim limitations.

Claim 10

The applicants acknowledge that the word "regions" appears in the cited passage of Dietzman's disclosure at col. 25, lines 47-60. However, the "clickable regions" referred to in the cited passage of Dietzman's disclosure are regions of the display of a web client. Accordingly, the applicants have been unable to find anything in the proposed combination of references that teaches or suggests "routing the message from one of the topographic network devices located in a first one of the regions to another of the topographic network devices located in a second one of the regions via the regional network device of the first one of the regions and the regional network device of the second one of the regions," as recited in Claim 10. Accordingly, the applicants respectfully submit that the rejection of Claim 10 is improper for the additional reason that the proposed combination of references does not teach or suggest all the claim limitations.

The applicants respectfully request reconsideration of the rejected claims. The applicants believe that the application is in condition for allowance, and respectfully request such favorable action. If any matters remain outstanding in the application, the Examiner is respectfully invited to telephone the applicants' attorney at (650) 485-3015 so that these matters may be resolved.

Respectfully submitted,

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By: _____

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